

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRANDON SMIETANA and)
SKYCOIN GLOBAL FOUNDATION LIMITED,)
a Singapore company, and SYMBOLIC)
ANALYTICS INC. a Delaware Corporation)

Plaintiffs,)

v.)

Case No.: 1:22-cv-00708

BRADFORD STEPHENS,)
AARON KUNSTMAN,)
HARRISON GEVIRTZ, f/k/a “HaRRo”,)
RYAN EAGLE, ANDREW YOUNG,)
FAR AHEAD MARKETING,)
JOEL WAYNE CUTHRIELL f/k/a “JOEL”,)
MORGAN PECK, TRISTAN GREENE,)
BRYAN CLARK, CATHERINE BYERLY,)
STEVEN LEONARD, JOSH OGLE, and)
UNKNOWN INDIVIDUALS AND COMPANIES)

Honorable Sara L. Ellis

Defendants.)

JOINT STATUS REPORT

NOW COME the Plaintiffs, BRANDON SMIETANA (“Smietana”), SKYCOIN GLOBAL FOUNDATION LIMITED, a Singapore Company, and SYMBOLIC ANALYTICS, INC., a Delaware Corporation (“SA”) (collectively “Plaintiffs”), and Defendants, Bradford Stephens, Aaron Kunstman, Harrison Gevirtz f/k/a “HaRRo”, Ryan Eagle, Andrew Young, Far Ahead Marketing, Joel Wayne Cuthriell f/k/a “JOEL”, f/k/a “Caribou”, Morgan Peck, Tristan Greene, Bryan Clark, Catherine Byerly, Steven Leonard, Josh Ogle, and *UNKNOWN INDIVIDUALS AND COMPANIES* (collectively “Defendants”), hereby submit this joint initial status report:

1. **NATURE OF THE CASE**

A. **Contact Information of Attorneys of Record**

Attorney for Plaintiffs:

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Lead Attorney

Attorney for Defendants Bradford Stephens, Ryan Eagle, and Catherine Byerly:

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Attorney for Defendant Far Ahead Marketing:

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Lead Attorney
Pro Hac Vice

B. **Nature of Claims**

Plaintiff Brandon Smietana, Chief Software Architect and authorized representative of Plaintiffs Skycoin Global Foundation and Skycoin Symbolic Analytics, brings this suit against Defendants for counts such as racketing, breach of contract, and fraud. The claims arise out of discussions had between Plaintiffs and a marketing firm to develop, launch, and manage a comprehensive marketing program for Skycoin. However, Defendants misrepresented and concealed the fact that per an FTC order, they were prohibited from engaging in such activities. Over the course of the implemented marketing program, Defendants instigated fraudulent attacks on Plaintiffs in order to receive additional funds.

There have been no counterclaims or third-party claims asserted.

C. **Legal and Factual Issues**

i. *Legal Issues (Plaintiffs' Perspective)*

These are all counts alleged in the complaint, however not all counts are against all defendants.

- Violations of the Racketeer Influenced and Corrupt Organizations Act (RICO)
- Fraud
- Civil Conspiracy
- Tortious Interference
- Conversion
- Violations of the Defend Trade Secrets Act
- Unjust Enrichment
- Defamation
- Breach of Fiduciary Duty
- Breach of Contract
- Violations of 720 ILCS 5/12-7.1

ii. *Factual Issues*

Factual issues in this case include relationships between the Defendants and their involvements with Plaintiffs. Additional discovery is necessary to solve any factual disputes.

Defendant Stephens denies the factual allegations and pleading and discovery will be necessary to determine the relationships between the plaintiffs and Stephens and actions taken by all parties.

Defendant Eagle denies any involvement whatsoever with plaintiffs and any parties with regard to facts raised in the complaint.

Defendant Far Ahead Marketing asserts that it has not had any contacts with the forum Court and has filed a motion to dismiss for lack of personal jurisdiction.

iii. *Legal Issues (Defendants' Perspective):*

Defendants Stephens and Eagle deny the allegations directed against them.

D. Relief Sought

i. *Relief Sought by Plaintiffs:*

Plaintiffs request permanent injunction against Defendants restraining them from further racketeering activity pursuant to 18 U.S.C. §1964(a), ask that this Court enter judgment against Defendants in excess of \$75,000.00 for each count listed in Plaintiffs' Complaint at law, punitive damages, costs, attorneys' fees, and for such other and further relief as this Court may deem just and fair.

2. JURISDICTION

A. Federal Statutes

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 18 U.S.C. § 1964(c) since the district courts have original jurisdiction of all civil actions arising under the laws of the United States and Plaintiff has asserted a claim under federal law, 18 U.S.C. § 1964 (RICO).
2. This Court has subject matter jurisdiction over this matter pursuant to Plaintiff's federal trade secret claim pursuant to the Defend Trade Secrets Act, 18 U.S.C. §§1836-39 et seq., and 28 U.S.C. §1331 and §1343.

B. Diversity/Supplemental Jurisdiction

1. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1332(a)(1), 1332(a)(2) and 1332(a)(3) given that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and in addition thereto, this civil action is between (a) citizens of different States (28 U.S.C. § 1332(a)(1)), (b) citizens of a State and a citizen or subject of a foreign state who are not domiciled in the same state (28 U.S.C. § 1332(a)(2)), and/or (c) citizens of different States and in which a citizen or subject of a foreign state is an additional party (28 U.S.C. § 1332(a)(3)).
2. *Citizenship of Each Named Party:*

Plaintiffs-

- Skycoin Global Foundation: Singapore Company
- Symbolic Analytics Inc.: Delaware Corporation
- Brandon Smietana: Illinois, USA

Defendants-

- Bradford Stephens: Illinois, USA
- Ryan Eagle: Illinois, USA
- Harrison Gervitz: Arizona, USA
- Andrew Young: New York, USA
- Joshua Ogle: California, USA
- Steven Leonard: Florida, USA or Singapore
- Joel Wayne Cuthriell: Oklahoma, USA
- Far Ahead Marketing: organized under the laws of Wyoming, USA
- Aaron Kunstman: Wisconsin, USA
- Catherine Byerly: Florida, USA
- Tristian Greene: Illinois, USA
- Bryan Clark: New York, USA

3. STATUS OF SERVICE

- Alias summons have been issued for Defendant Morgan Peck, Defendant Aaron Kunstman, Defendant Harrison Gervitz, and Defendant Tristan Greene.
- Alternative service must be issued on Defendant Andrew Young, Defendant Bryan Clark, Defendant Steven Leonard, Defendant Aaron Kunstman, and Defendant Morgan Peck.
- An extension of time until May 10, 2022, was granted for responsive pleadings by Defendant Bradford Stephens, Defendant Ryan Eagle, and Defendant Catherine Byerly. Contrary to the assertions in Defendants' Motion to Extend Time to May 10th, Defendants incorrectly reported that Plaintiffs' counsel did not respond to their request for an extension. As of the date of this status report, these Defendants have still not responded. No motion is pending to extend the time beyond May 10, 2022, however, Counsel for these Defendants has contacted Plaintiffs' counsel and requested to extend the time for responsive pleadings until May 19, 2022. Plaintiffs have no objection to this request.
- No responsive pleading has been filed by Defendant Josh Ogle and a separate Motion for Default will be filed. Defendant, Far Ahead Marketing has notified Plaintiffs that it believes they have not served any individuals associated with Far Ahead Marketing, including its managing member, Joshua D. Ogle.

4. **CONSENT TO PROCEED BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Counsels for the respective parties have advised their clients that they may proceed before a Magistrate Judge if unanimous consent is obtained. The parties do not unanimously consent to proceed before a magistrate at this time.

5. **MOTIONS**

A. **Pending Motions & Briefing Schedules**

- A Motion for Leave to Appear Pro Hac Vice was filed by Justin Morello and granted on 04/11/2022.
- A Motion to Dismiss for Lack of Jurisdiction was filed by Defendant Far Ahead Marketing on 04/01/2022.
 - Proposed Briefing Schedule:
 - Plaintiffs' Response due June 14, 2022.
 - Defendant Far Ahead Marketing's Reply due July 1, 2022.

B. **Defendants' Response to Complaint**

- Defendant Joel Wayne Cuthriell filed an Answer to Plaintiffs' Complaint at Law.
- Defendant Far Ahead Marketing filed a Motion to Dismiss for Lack of Personal Jurisdiction.

No other Defendants have filed an answer, motion, or other form of responsive pleadings at this time.

6. **CASE PLAN**

A. **Mandatory Initial Discovery Pilot-** Defendants have not yet determined the scope of discovery at this time.

B. **Discovery Plan** (No discovery plan has been provided because of the Defendants who have yet to be served)

1. *General Type of Discovery Needed:*
2. *MIDP Exempt Cases: Date for Rule 26(a)(1) disclosures:*
3. *First Date to Issue Written Discovery:*
4. *Fact Discovery Completion Date:*
5. *Expert Discovery Completion Date & Dates for Delivery of Expert Reports:*
6. *MIDP Cases: Date for Final Supplementation of Mandatory Initial Discovery Responses:*
7. *Date for Filing of Dispositive Motions:*

C. **Trial**

1. *Jury Trial:*
A Jury Trial has been requested.
2. *Probable Length of Trial:*

7. **STATUS OF SETTLEMENT DISCUSSIONS**

Settlement discussions have not yet begun, pending service and responsive pleadings and discovery commencement.

- A. **Settlement Discussions**
- B. **Status of Settlement Discussions**
- C. **Request of a Settlement Conference**

DATED May 12, 2022

Respectfully submitted,

/s/Michael C. Goode

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